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APR 14 2017

Clerk, U.S. District Court
District Of Montana
Billings

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Attorneys for Shoshone Tribe

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

NORTHERN ARAPAHO TRIBE, for
itself and as *parens patriae*

Plaintiff,

v.

DARRYL LaCOUNTE, LOUISE
REYES, NORMA GOURNEAU, RAY
NATION, MICHAEL BLACK and
other unknown individuals, in their
individual and official capacities,

Defendants.

CV-16-00011-BLG-BMM and
CV-16-00060-BLG-BMM
(Consolidated)

**MOTION OF SHOSHONE TRIBE
OF THE WIND RIVER
RESERVATION TO
PARTICIPATE IN
APRIL 27, 2017 SETTLEMENT
CONFERENCE**

NORTHERN ARAPAHO TRIBE,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF THE INTERIOR; SALLY
JEWELL, in her official capacity as
Secretary, United States Department of
the Interior;

and

DARRYL LACOUNTE, in his official
capacity as Director, Rocky Mountain
Regional Office, BIA, Billings,
Montana

Defendants.

**MOTION OF SHOSHONE TRIBE OF THE WIND RIVER
RESERVATION TO PARTICIPATE IN
APRIL 27, 2017 SETTLEMENT CONFERENCE**

Applicant, Shoshone Tribe of the Wind River Reservation, or Eastern Shoshone Tribe (“EST”), moves this Court for an Order permitting EST to attend and participate in the settlement conference scheduled for Thursday, April 27, 2017 in the above-captioned matter (NAT v. LaCounte) (Order, Document 154, Case 1:16-cv-00011-BMM).

The claims in NAT v. LaCounte are inextricably intertwined with the claims and federally-protected interests of EST in EST’s claims filed yesterday against the same Defendants in Case 1:17-CV-00045-SPW. In addition to having the same Defendants in common, these matters involve the same facts and common questions of law.

EST’s participation in the settlement conference will promote resolution.

EST has filed a motion to intervene in NAT v. LaCounte.

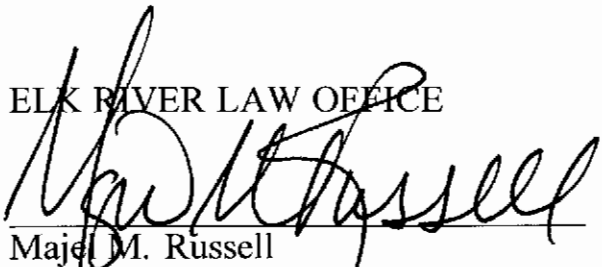
The Federal Defendants owe a fiduciary duty to EST that cannot be properly fulfilled without allowing EST to participate in the settlement conference.

Additionally, EST has a protected interest under the Indian Self-Determination and Education Assistance Act ("ISDEAA"), P.L. 93-638, as amended, 25 U.S.C. §§ 5301 et seq., related to contract proposals submitted to Defendants by NAT. EST has proposed to contract for the same shared programs. NAT's claims in NAT v. LaCounte seek to overtly and practically exclude EST from participation in shared programs and governance on the Wind River Reservation. When those claims are discussed at the upcoming settlement conference any agreement would as a practical matter impair and impede EST's ability to protect its interests, unless EST is able to protect its interests by participating.

Accordingly, EST should be granted an Order allowing it to attend and participate in the April 27, 2017 Settlement Conference.

EST has complied with L.R. 7.1(c)(1)¹, and contacted the parties in this case. Plaintiff NAT is considering EST's request to attend and participate in the April 27, 2017 Settlement Conference. Federal Defendants do not oppose the participation of EST in the April 27, 2017 settlement conference.

Dated this 14th day of April, 2017.

ELK RIVER LAW OFFICE

Majel M. Russell

¹ With regard to EST's motion to intervene filed yesterday, in order to comply with L.R. 7.1(c)(1), EST now informs the Court that Plaintiff is considering EST's Motion to Intervene on April 12, 2017, and Defendants oppose it.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

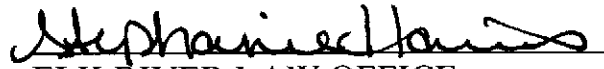
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DATED this 14th day of April, 2017.


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